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Attorneys for SMS Financial Recovery Services, LLC

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

Case No.: 20-51140-btb

Chapter 7

JOGA S. MANN,

Debtor.

SMS FINANCIAL RECOVERY
SERVICES, LLC'S MOTION FOR ORDER
EXTENDING TIME TO OBJECT TO THE
ENTRY OF DISCHARGE **and** JOINDER
IN THE TRUSTEE'S MOTION FOR
ORDER EXTENDING TIME TO OBJECT
TO THE ENTRY OF DISCHARGE

HRG DATE: 04/28/21

HRG TIME: 10:00 A.M.

Creditor SMS FINANCIAL RECOVERY SERVICES, LLC ("SMS"), by and through
its counsel of record LEACH KERN GRUCHOW ANDERSON SONG ("LKG"), hereby
respectfully submits its Motion for Order Extending Time to Object to the Entry of Discharge
("Motion"), and seeks an extension of time in which to file an objection to entry of a discharge
in the above-captioned case. SMS also respectfully submits its Joinder ("Joinder") to the Chapter

1 7 Trustee DONALD GIESEKE’S Motion for Order Extending Time to Object to the Entry of the
2 Discharge (“Trustee’s Motion” at DE 14) filed March 3, 2021.

3
4 **I.**

5 **MEMORANDUM OF POINTS AND AUTHORITIES**

6 ***A. Relevant Background Facts:***

7 1. Debtor, JOGA S. MANN (“Debtor”) initiated this case by filing a voluntary
8 petition (“Petition”) under Chapter 7 on December 18, 2020 (*see* Petition at DE 1).

9 2. Pursuant to 11 U.S.C. § 341 and the Federal Rules of Bankruptcy Procedure
10 (“FRBP”) 2003(a), the 341 Meeting of Creditors (“MOC”) took place on January 21, 2021,
11 during which Debtor appeared with counsel Nathan Zeltzer, Esq. who was attending for Debtor’s
12 counsel Sean Patterson, Esq..

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14 3. The continued MOC took place on February 25, 2021. Debtor again appeared
15 with his counsel, Nathan Zeltzer, Esq. The next scheduled, continued MOC is set to take place
16 on May 20, 2021.

17
18 4. Like the Trustee, SMS requests an extension in this case to allow for an adequate
19 investigation into the numerous and various business entities associated with Debtor. Debtor
20 testified at the February 25, 2021 MOC that he does not keep books and records of his business
21 entities. As such, a thorough investigation of Debtor’s bankruptcy estate will be more difficult
22 and time consuming.

23
24 SMS, along with the Trustee, is requesting this extension of time to object to Debtor’s
25 discharge in order to have sufficient time to investigate the various business entities associated
26 with Debtor and his bankruptcy estate.

27 ///

1 ***B. Extension for Deadline to Object to the Discharge of Debtor.***

2 SMS is informed and believes that the last day for filing objections to Debtor's discharge,
3 under 11 U.S.C § 727 and FRBP 4004 is March 22, 2021. (See Notice of Chapter 7 Bankruptcy
4 Case at DE 3). Rule 4004(b)(1) provides that an extension of time to object to discharge in a
5 Chapter 7 case may be granted "...[o]n motion of any party in interest, after notice and
6 hearing...for cause...", and that such "...motion shall be filed before the time has expired."

7
8 Here, SMS makes its timely Motion and joins in the Trustee's Motion. SMS alleges that
9 good cause exists for an extension to object to Debtor's discharge so that there is sufficient time
10 to investigate the various business entities associated with Debtor, and which entities Debtor has
11 testified at the MOC he keeps no records. Given these circumstances, and in accord with the
12 applicable Code and bankruptcy rules, SMS seeks an Order from the Court extending the deadline
13 to object to the discharge of Debtor up to and including December 31, 2021.
14

15 ***WHEREFORE***, it is respectfully requested that the Court grant SMS's Motion for an
16 extension of the deadline to object to the discharge of Debtor up to and including ***December 31,***
17 ***2021.*** See proposed Order attached hereto as Exhibit "A".
18

19 DATED this 19th day of March, 2021.

20 ***LEACH KERN GRUCHOW ANDERSON SONG***

21 /s/ Karen M. Ayarbe, Esq
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28 *Attorneys for SMS Financial
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EXHIBIT “A”

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

JOGA S. MANN,

Debtor.

Case No.: 20-51140-btb

Chapter 7

ORDER EXTENDING TIME FOR SMS
FINANCIAL RECOVERY SERVICES,
LLC TO OBJECT TO DISCHARGE OF
DEBTOR

HRG DATE: 04/28/21

HRG TIME: 10:00 A.M.

Pursuant to the MOTION FOR ORDER EXTENDING TIME TO OBJECT TO THE
DISCHARGE OF DEBTOR (the "Motion") filed by creditor SMS Financial Recovery Services,
LLC ("SMS") (DE __), the Court finds and concludes as follows:

1 The Court finds that SMS' Motion was timely and properly noticed, and that there were
2 no objections to the Motion filed or presented at the hearing. SMS, along with the Chapter 7
3 Trustee, are requesting this extension of time to object to the discharge of Debtor's bankruptcy so
4 that Debtor's various business entities can be thoroughly and adequately investigated.
5

6 The Court has considered SMS's Motion, its contemporaneous Joinder in the Trustee's
7 similar motion (DE 14), and the reasons for the requested extension. In consideration thereof, the
8 Court has found such reasons to be appropriate and that good cause exists for the requested
9 extension.
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11 ***IT IS HEREBY ORDERED*** that SMS's Motion is ***GRANTED***, and SMS shall have an
12 extension of time to object to the discharge of Debtor's bankruptcy up to and including ***December***
13 ***31, 2021.***
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